

Joanne Eng
10120 W. Flamingo Rd. Suite 4
Las Vegas, NV 89148
Email: jwaneng9@gmail.com
In Pro Se

FILED

APR 12 2024

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re: LEGAL RECOVERY LLC,) Bankruptcy Court Case No: 24-30074 DM 11
) Chapter 11
Debtor.)
) San Francisco Superior Court
) Case No.
Legal Recovery, LLC,) CGC-22-603067
Plaintiff,)
) Defendant Joanne Eng's
) NOTICE OF REMOVAL
Martin Lee Eng, Joanne Eng, New Owner's) (pursuant to 28 U.S.C. 1334(e), 144(d)
Group, LLC, and DOES 1 to 10.) 1452(a); Fed R. Bankr. Pro. 9027)
)
Defendants.)

TO THE HONORABLE JUDGE MONTALI AND ALL OTHER INTERESTED
PARTIES:

Defendant, Joanne Eng, Case No: CGC-22-603067 submits this Notice of Removal pursuant to 28 U.S.C. 1334(e), 1441(d), 1452(a) and Rule 9027 of the Federal Rules of Bankruptcy Procedure, in support thereof respectfully alleges as follows:

1. Legal Recovery, LLC, filed a Complaint Case No: CGC-22-603067 on November 22, 2022 in San Francisco Superior Court. The Complaint is attached as **Exhibit A**.
2. The Complaint is a civil action over which this court has original jurisdiction under the provision of 28 U.S.C. 1334 (e) in that the allegations affect property of the

1 above-captioned bankruptcy estate. Accordingly, Joanne seeks removal of this Complaint
2 Case No: CGC-22-60307 to the United States Bankruptcy Court, Northern District of California,
3 on grounds the claims made therein concern and affect property of this bankruptcy estate and
4 are therefore removable pursuant to 29 U.S.C. 1441 and 1452.

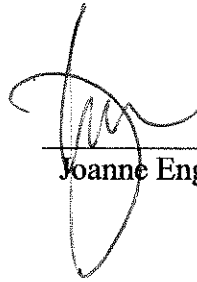
5 3. Upon removal, the Complaint is a core proceeding pursuant to 28 U.S.C. 157 (2)(A)
6 and (E) and (O). To the extent the Complaint is determined to be noncore, then Joanne consents
7 to entry of final orders or judgment by the bankruptcy judge.

8 WHEREFORE, Joanne prays that the Complaint pending in the San Francisco Superior
9 Court and bearing Case No. CGC-22-603067 entitled Legal Recovery, LLC. v. Martin Lee Eng,
10 Joanne Eng, et al. be removed to this Court for further proceedings.

11 Dated: April 11, 2024

12 Respectfully Submitted,

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Joanne Eng, in Pro Se

Exhibit A

JORDAN PUGEDA #290626
PO BOX 225254
San Francisco, CA 94122
(415) 527-0273
jpugeda@baylaw.net
Attorney for Plaintiff

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco
11/22/2022
Clerk of the Court
BY: JACKIE LAPREVOTTE
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED CIVIL JURISDICTION

LEGAL RECOVERY, LLC,
Plaintiff,

vs.

MARTIN LEE ENG, JOANNE ENG, NEW
OWNERS GROUP LLC and DOES 1 TO 10,
Defendants.

Case No:

COMPLAINT FOR DAMAGES

CONSPIRACY ON FRAUDULENT
CONVEYANCES

CGC-22-603067

PRELIMINARY ALLEGATIONS

1. Plaintiff LEGAL RECOVERY, LLC is, and at all times mentioned herein was, a California limited liability company.
2. Defendant MARTIN LEE ENG is an individual over 18 years of age, and is a resident of San Francisco, California.
3. Defendant JOANNE ENG is an individual over 18 years of age, and on information and belief, is a dual resident of San Francisco, California and Las Vegas, Nevada.
4. Defendant NEW OWNERS GROUP LLC is a company registered in California controlled by defendants MARTIN LEE ENG and JOANNE ENG.
5. DOES 1 through 10 are sued herein under fictitious names. Their true names and capacities are unknown to Plaintiff. When their true names and capacities are ascertained, Plaintiff will amend this Complaint by inserting their true names and capacities herein.
6. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned, Defendants were agents, servants, and employees of their codefendants, and in doing the things hereinafter alleged were acting in the scope of their authority as agents, servants, and employees, and with the permission and consent of their codefendants.

- 1 7. Venue is proper based on occurrence of transactions, and the residences or business
2 addresses of Defendants.

3 SUBSTANTIVE ALLEGATIONS

- 4
5 8. Plaintiff LEGAL RECOVERY, LLC ("Plaintiff") is the judgment creditor of defendant
6 MARTIN LEE ENG ("ENG") in the Case No. CGC 14-542378. A judgment of
7 \$1,507,302.92 was entered against ENG on 7/8/2015. In the enforcement of the
8 judgment, Plaintiff obtained a charging order against ENG's membership interest in
9 LOMBARD FLATS LLC which owns the property known as 949-953 Lombard Street,
10 San Francisco (the "Lombard Street Property"). Plaintiff subsequently obtained an order
11 foreclosing on the charging order lien and acquired all of ENG's economic interest in
12 LOMBARD FLATS LLC as of the charging order lien of July 19, 2015.
- 13 9. In an effort to defraud his creditors, ENG fraudulently transferred interest in the Lombard
14 Street Property. In Case no. CGC 15-548357 (LEGAL RECOVERY, LLC v MARTIN
15 LEE ENG et al.), Plaintiff sued for conspiracy on fraudulent conveyances. The operative
16 second amended complaint ("SAC") was filed on 02/05/16. The complaint sought to set
17 aside fraudulent deeds of trust and leases on the Lombard Street Property and the
18 fraudulent transfers of ENG's membership interest in LOMBARD FLATS LLC to
19 defendants Kearny Washington LLC, Hong Kong Groups of Companies LLC, and Chief
20 Asian LLC. The complaint also sought money damages against all co-conspirators.
21 Plaintiff filed and recorded a Notice of Action (Lis Pendens) on October 9, 2015 against
22 the Lombard Street Property. Trial commenced on April 1, 2021 before Honorable Judge
23 Kathleen Kelly. On April 5, 2021, ENG, as the manager of LOMBARD FLATS LLC,
24 executed a grant deed transferring the Lombard Street Property to himself and Kearny
25 Washington LLC, Hong Kong Groups of Companies LLC, and Chief Asian LLC. On the
26 same day, he executed another grant deed, transferring the Lombard Street Property away
27 from himself and the defendant NEW OWNERS GROUP LLC, an entity that he and
28 defendant JOANNE ENG control. (See attached as Ex. A: New Owners Group LLC
Articles of Organization and Statement Of No Change.) These two grant deeds, executed
on April 5, 2021, were not recorded until September 10, 2021 after the conclusion of trial
in this matter (hereinafter "April 5, 2021 Grant Deeds.") (See attached as Ex. B: Grant

1 Deed, Document No. 2021143448 recorded 9/10/2021; Grant Deed, Document No.
2 2021143449 recorded 9/10/2021). Trial in this matter concluded on 2021-08-23. On
3 October 7, 2021, the Court issued the Statement of Decision and Judgment. The Court
4 found that Plaintiff met its burden of proof as to each element necessary to sustain a
5 cause of action for conspiracy to commit fraudulent conveyances. The Judgment
6 declared void and set aside the fraudulent deeds of trust and leases as identified in the
7 SAC and the transfers of ENG's membership interest in LOMBARD FLATS LLC. The
8 Judgment declared ENG the sole member of LOMBARD FLATS LLC and the Plaintiff
9 the owner of 100% of the economic interest in LOMBARD FLATS LLC. A money
10 judgment of \$2,453,393.60 was entered against all co-conspirators, jointly and severally,
11 and provides that "Plaintiff may seize, execute on or foreclose on Martin Eng and
12 LOMBARD FLATS LLC provided that recovery shall not exceed the money judgment
13 amount entered against that specific defendant and further provided that Plaintiff's
14 aggregate recovery shall not exceed the judgment in the Underlying Case No. CGC14-
15 542378 exclusive of costs awarded by the Court in this action." The Judgment also has
16 injunctive orders enjoining ENG and all co-conspirators from "committing or permitting
17 any waste on the property; selling, transferring, disposing, encumbering, concealing, or
18 otherwise transferring the property without a prior court order; and doing any act that will
19 impair the preservation of the property or Plaintiff's interest in the property."

- 20 10. On 06/18/19, defendant JOANNE ENG filed a Chapter 13 bankruptcy petition in United
21 States Bankruptcy Court, District Of Nevada, Case No.: 19-12981 (In re: Joanne W.
22 Eng). This action is not seeking to enforce any claim that Plaintiff may have against her
23 that had or may have accrued pre-petition. The claim in this action accrued on April 5,
24 2021, when the fraudulent grant deeds were executed and recorded on September 10,
25 2021 as Document No. 2021143448 and Document No. 2021143449 in the San Francisco
26 Recorder's Office.

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FIRST CAUSE OF ACTION
CONSPIRACY ON FRAUDULENT CONVEYANCES

11. Plaintiff refers to and incorporates herein the foregoing paragraphs.

- 1 12. All Defendants knowingly participated with actual intent to hinder, delay, or defraud
2 Plaintiff as a creditor by causing fraudulent transfer of the Lombard Street Property.
3 13. Defendants agreed and knowingly and willfully conspired between themselves to hinder,
4 delay, and defraud Plaintiff as a creditor. Defendants did the acts and things herein
5 alleged pursuant to, and in furtherance of, the conspiracy and agreement alleged above.
6 14. As a proximate result of the wrongful acts herein alleged, Plaintiff has been generally
7 damaged in the sum of \$2,453,393.60 as of October 7, 2021, with damages accruing at
8 the legal rate of ten percent per annum.
9 15. Defendants intentionally, willfully, fraudulently, and maliciously did the things herein
10 alleged to defraud and oppress Plaintiff as a creditor. Plaintiff is therefore entitled to
11 exemplary and punitive damages against Defendants jointly and severally.

12 WHEREFORE, Plaintiff prays for:

- 13 16. judgment against defendants, jointly and severally, in the sum of \$2,453,393.60 as of
14 October 7, 2021, with damages accruing at the legal rate of ten percent per annum, or
15 according to proof;
16 17. exemplary and punitive damages;
17 18. a temporary restraining order be granted Plaintiff enjoining and restraining Defendants,
18 and their representatives, attorneys, and agents from selling, transferring, conveying,
19 encumbering or otherwise disposing of the Lombard Street Property;
20 19. an order pendente lite be granted Plaintiff enjoining and restraining Defendants and their
21 representatives, attorneys, servants, and agents from selling, transferring, conveying,
22 assigning, encumbering or otherwise disposing of the Lombard Street Property;
23 20. an order and decree to set aside and expunge and declare as null and void the Grant
24 Deeds and other fraudulent encumbrances;
25 21. costs of suit;
26 22. attorneys fee as provided by contract; and
27 23. such other and further relief as the court may deem proper.

28 Date: 11/22/2022

/s/JORDAN PUGEDA, Attorney for Plaintiff

EXHIBIT A

LLC-1

Articles of Organization of a Limited Liability Company (LLC)

To form a limited liability company in California, you can fill out this form, and submit for filing along with:

- A \$70 filing fee.
- A separate, non-refundable \$15 service fee also must be included, if you drop off the completed form.

Important! LLCs in California may have to pay a minimum \$800 yearly tax to the California Franchise Tax Board. For more information, go to <https://www.ftb.ca.gov>.

LLCs may not provide "professional services," as defined by California Corporations Code sections 13401(a) and 13401.3.

Note: Before submitting the completed form, you should consult with a private attorney for advice about your specific business needs.

201604210192

FILED ^{PSI}Secretary of State
State of CaliforniaFEB 05 2016 ^{mc}

This Space For Office Use Only

For questions about this form, go to www.sos.ca.gov/business/be/filing-tips.htm.

LLC Name (List the proposed LLC name exactly as it is to appear on the records of the California Secretary of State.)

① NEW OWNERS GROUP, LLC

Proposed LLC Name

The name must include: LLC, L.L.C., Limited Liability Company, Limited Liability Co., Ltd. Liability Co. or Ltd. Liability Company; and may not include: bank, trust, trustee, incorporated, inc., corporation, or corp., insurer, or insurance company. For general entity name requirements and restrictions, go to www.sos.ca.gov/business/be/name-availability.htm.

Purpose

- ② The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

LLC Addresses

- ③ a. 968 Hanson Court Milpitas CA 96035

Initial Street Address of Designated Office in CA - Do not list a P.O. Box

City (no abbreviations)

State Zip

b.

Initial Mailing Address of LLC, if different from 3a

City (no abbreviations)

State Zip

Service of Process (List a California resident or a California registered corporate agent that agrees to be your initial agent to accept service of process in case your LLC is sued. You may list any adult who lives in California. You may not list an LLC as the agent. Do not list an address if the agent is a California registered corporate agent as the address for service of process is already on file.)

- ④ a. Claire Yuel

Agent's Name

- b. 968 Hanson Court Milpitas CA 96035

Agent's Street Address (if agent is not a corporation) - Do not list a P.O. Box

City (no abbreviations)

State Zip

Management (Check only one.)

- ⑤ The LLC will be managed by:

☒ One Manager☐ More Than One Manager☐ All Limited Liability Company Member(s)

This form must be signed by each organizer. If you need more space, attach extra pages that are 1-sided and on standard letter-sized paper (8 1/2" x 11"). All attachments are made part of these articles of organization.

Organizer - Sign here

Print your name here

Make check/money order payable to: **Secretary of State**

Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a \$5 certification fee.)

By Mail

Secretary of State
Business Entities, P.O. Box 944228
Sacramento, CA 94244-2280

Drop-Off

Secretary of State
1500 11th Street., 3rd Floor
Sacramento, CA 95814



Secretary of State
Statement of No Change
(Limited Liability Company)

LLC-12NC

20-F17747

FILED

In the office of the Secretary of State
of the State of California

DEC 23, 2020

IMPORTANT — Read instructions before completing this form. This form may be used only if a complete Statement of Information has been filed previously and there has been no change.

Filing Fee — \$20.00

Copy Fee — \$1.00;
Certification Fee - \$5.00 plus copy fee

This Space For Office Use Only

1. Limited Liability Company Name (Enter the **exact** name of the LLC as it is recorded with the California Secretary of State. Note: If you registered in California using an alternate name, see instructions.)

NEW OWNERS GROUP, LLC

2. 12-Digit Secretary of State File Number

201604210192

3. State, Foreign Country or Place of Organization (only if formed outside of California)

CALIFORNIA

4. No Change Statement (Do not alter the No Change Statement. If there has been any change, please complete a Statement of Information (Form LLC-12).)

There has been no change in any of the information contained in the previous complete Statement of Information filed with the California Secretary of State.

5. The information contained herein is true and correct.

12/23/2020

Date

Martin Eng

Type or Print Name of Person Completing the Form

Manager

Title

Signature

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document, enter the name of a person or company and the mailing address. This information will become public when filed. (SEE INSTRUCTIONS BEFORE COMPLETING.)

Name:

Company:

Address:

City/State/Zip:

EXHIBIT B

RECORDING REQUESTED BY:

New Owners Group LLC

When Recorded Mail Document and Tax Statements to:

Adeline Lee
c/o 599 Sai Sha Road
Lake Silver, Flat A, 32 floor
Ma On Shan, Hong Kong SAR



Doc # 2021143448

City and County of San Francisco
Joaquin Torres, Assessor-Recorder

9/10/2021	1:53:04 PM	Fees	\$17.00
Pages 2	Title 001 KG	Taxes	\$0.00
Customer 001		Other	\$0.00
		SB2 Fees	\$0.00
		Paid	\$17.00

APN: Lot 048, Block 0072
949-953 Lombard Street
San Francisco, CA 94133

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Grant Deed

Exempt from fee per GC 527388.1, transfer of real property that is a residential dwelling to an owner-occupier

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is ☒

() computed on full value of property conveyed, or

(x) computed on full value less of liens and encumbrances remaining at time of sale.

() Unincorporated area: (x) City of San Francisco CA

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

LOMBARD FLATS, LLC, a California limited liability company

hereby GRANT(S) to

MARTIN ENG, a single man, as to an undivided fifty percent (50%) interest; CHIEF ASIAN LLC, a California limited liability company, as to an undivided one percent (1%) interest; KEARNY WASHINGTON, LLC, a California limited liability company, as to an undivided thirty percent (30%) interest; and HONG KONG CHINA GROUPS OF COMPANIES, LLC, a Nevada limited liability company as to an undivided nineteen percent (19%) interest all as tenants in common

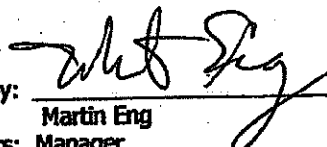
that following described real property in the City and County of San Francisco, State of California, described as follows:

Lot 48, as shown on the map entitled, "Parcel Map, Being a Resubdivision of Lot 20, Assessor's Block No. 72, San Francisco, California", filed on April 12, 1991 in Book 40 of Parcel Maps, at Page 125, in the office of the Recorder of the City and County of San Francisco, State of California (hereinafter "the Map").

And commonly known as: 949 - 953 Lombard Street, San Francisco, California 94133

Date: April 5, 2021

LOMBARD FLATS, LLC, a California limited liability company

By: 
Martin Eng
Its: Manager

Grant Deed

MAIL TAX STATEMENTS AS DIRECTED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On 04/05/2021 before me, MAGGIE MEIHE LIANG, Notary Public
(here insert name and title of the officer),

personally appeared MARTIN ENG
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature



(Notary Public Seal)



2
RECORDING REQUESTED BY:

New Owners Group LLC

When Recorded Mail Document and Tax Statements to:

Adeline Lee
c/o 599 Sai Sha Road
Lake Silver, Flat A, 32 floor
Ma On Shan, Hong Kong SAR



Doc # 2021143449

City and County of San Francisco
Joaquin Torres, Assessor - Recorder

9/10/2021	1:53:04 PM	Fees	\$17.00
Pages	2	Taxes	\$0.00
Customer	001	Other	\$0.00
		SB2 Fees	\$0.00
		Paid	\$17.00

APN: Lot 048, Block 0072
949-953 Lombard Street
San Francisco, CA 94133

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Grant Deed

Exempt from fee per GC §27388.1, transfer of real property that is a residential dwelling to an owner-occupier

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is \emptyset

() computed on full value of property conveyed, or
(x) computed on full value less of liens and encumbrances remaining at time of sale.
() Unincorporated area: (x) City of San Francisco CA

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

MARTIN ENG, a single man, as to an undivided fifty percent (50%) interest; CHIEF ASIAN LLC, a California limited liability company, as to an undivided one percent (1%) interest; KEARNY WASHINGTON, LLC, a California limited liability company, as to an undivided thirty percent (30%) interest; and HONG KONG CHINA GROUPS OF COMPANIES, LLC, a Nevada limited liability company as to an undivided nineteen percent (19%) interest all as tenants in common

hereby GRANT(S) to

NEW OWNERS GROUP LLC, a California limited liability company

that following described real property in the City and County of San Francisco, State of California, described as follows:

Lot 48, as shown on the map entitled, "Parcel Map, Being a Resubdivision of Lot 20, Assessor's Block No. 72, San Francisco, California", filed on April 12, 1991 in Book 40 of Parcel Maps, at Page 125, in the office of the Recorder of the City and County of San Francisco, State of California (hereinafter "the Map").

And commonly known as: 949 - 953 Lombard Street, San Francisco, California 94133

Date: April 5 2021


MARTIN ENG, a single man


CHIEF ASIAN, LLC, a California limited liability company

By: 
Martin Eng
Its: Manager

KEARNY WASHINGTON, LLC, a California limited liability company

By: 
Martin Eng
Its: Manager

HONG KONG CHINA GROUPS OF COMPANIES, LLC, a Nevada limited liability company

By: 
Martin Eng
Its: Manager

Grant Deed

MAIL TAX STATEMENTS AS DIRECTED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

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STATE OF CALIFORNIA

COUNTY OF San Francisco

On 04/05/2021 before me, MAGGIE MELTIE LIANG, Notary Public
(here insert name and title of the officer),

personally appeared MARTIN ENG
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature [Signature] (Notary Public Seal)

